

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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KENNETH JACKSON,

Plaintiff

v.

Civil Action No. 04-30004-MAP

Case Number 3:04-cv-30004

U.S. DISTRICT COURT
DISTRICT OF MASS

COMMONWEALTH OF
MASSACHUSETTS,

Defendant

The State Court

Defendant's Timely Objections As
The Petitioner-Plaintiff Herein.

1. The petitioner Kenneth Jackson (M84058) received the Federal Magistrate's "Report And Recommendation For Summary Dismissal Pursuant to 28 U.S.C. § 1915 (e)", on the night of January 9, 2004.
2. Petitioner Kenneth Jackson (M84058) "Notice of Removal" was mailed on September 18, 2003, and his "Petition Of Removal" was mailed on October 9, 2003, which both state the same claim on which relief may be granted, namely:

- (a) that Kenneth Jackson, presently at (M84058), and who will herein after be referred to as the "petitioner", is presently in state temporary civil commitment detention confinement prior to a pending civil jury trial risking one day to natural life if petitioner is convicted.
 - (b) that Massachusetts General laws Annotated will herein after be referred to as "M.G.L.A.", Chapter 40, Section 37A's, first sentence in its second paragraph requires petitioner's non-white black African origin racial skin coloration be the "crime" petitioner committed under alleged indictments numbered 22784, 22785, 22786, 22787, 22788, 22789, 22790, which is the basis for the Commonwealth of Massachusetts civil action no. 03-694, civil petition against the petitioner herein.
 - (c) that the third paragraph of M.G.L.A. Chapter 40, Section 37A, requires petitioner "may be arrested without a warrant" vivified prosecutions continued to today's year 2004, civil action no. 03-694, prosecution.
3. that Greenwood v. Peacock, 1966, 384 U.S. 808, 828, and similar laws of the United States provides petitioner's claims as being of merit for Federal relief where, as herein, the petitioner is

- arbitrarily and unreasonably subjected to criminal and civil penal process under state statute law carrying imprisonment merely because of the non-white racial origin of the petitioner.
3. that the "arguable basis either in law or in fact" concerning M.G.A. Chapter 40, Section 37A's, formal language expressions of intentional racial discrimination, prior to civil action no. 03-694, civil jury trial, and under vivified state statute law is not "frivolous" in law or in fact and it presents actionable "subject matter jurisdiction..." to the petitioner's above entitled case of removal.
 4. that petitioner's most recent Federal habeas corpus application in Jackson v. Spencer, Civil Action No. 01-12054-RWZ was not final on July 21, 2003.

On July 21, 2003, petitioner was put into the below addressed Bridgewater Treatment Center while the 60-days ran for petitioner to further apply for United States Supreme Court review thereupon. In that manner the petitioner was separated from his Federal Court papers unconstitutionally and thereby prevented from further Federal Court determination.

- (a) the next above stated actions did not reach the merits of petitioner's pro se, indigent, Federal Court claims but only the statute of Federal law limitations applicable thereupon, as to the date of bringing several substantial merit claims by that manner.
5. that the petitioner is yet innocent and indigent in the above entitled case and the petitioner is in fact and in law a pauper in ability to present date pay Federal Court costs or fees for the Federal removal relief sought herein.
 6. the Federal removal statute's whole "...subject matter jurisdiction..." is centered upon a state statute which is penal and is formally language expressed in intentional racial discrimination solely because of the petitioner's non-white racial origin. M.G.L.A. Chapter 40, Section 37A, is such a state statute law, it is penal, and it applies in operation fact upon the petitioner continuously for the past thirty-four years to this present date.
 7. the Federal Magistrate's January 7, 2004, page 3, of its "II. DISCUSSION" last sentence establishes a overall defense which the Commonwealth of Massachusetts did not itself raise to the Federal Magistrate at all.

Whereupon Mr. Kenneth Jackson, presently under identification number (M84058), hereby aver that all statements made herein are true, correct, and made under penalty of perjury on this 12th day of January, 2004.

Respectfully Present, Submit, File
Mr. Kenneth Jackson (M84058)
Mr. Kenneth Jackson (M84058)
Petitioner, Pro Se, Indigent
Addressed At:

Commonwealth of Massachusetts, Bridgewater
Treatment Center, 30 Administration Road,
Commonwealth of Massachusetts 02324.

Proof of Service

The petitioner Kenneth Jackson (M84058) hereby respectfully make proof of service to:

The United States District Court For the
District Of Massachusetts, Office Of The
Clerk Of Court, United States Courthouse,
1550 Main Street, Springfield,
Commonwealth Of Massachusetts 01103, in the
above entitled timely objections.

Respectfully Submitted
Kenneth Jackson (M84058)
Mr. Kenneth Jackson (M84058)
Petitioner Pro Se, Indigent
Addressed At:

Bridgewater Treatment Center, 30 Administration
Road, Bridgewater, Massachusetts 02324.

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